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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,951	11/16/2001	Hirofumi Inomata	16869P-034300US	2903
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TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER KRISCIUNAS, LINDA	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/990,951	Applicant(s) INOMATA ET AL.	
	Examiner Linda Krisciunas	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>Nov 16, 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

y-

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Parmasad et al (US 2001/0037234).

As per claim 1, 21 and 26, Parmasad teaches a method for conducting a shareholder meeting with remote participation (paragraph 65: electronic voting are likely to be popular with the shareholders), comprising: notifying shareholders of the meeting (paragraph 17: a consent email message is sent to each potential voter as determined by the voting database), receiving notification from at least some of the shareholders that they will attend remotely (paragraph 13: The consent email message includes a hyperlink (URL) to a consent website, where potential voters can access the consent website to provide consent information), each remotely attending shareholder having a second server (See Figure 1: transfer agent (452) is deemed equivalent to a second server as it performs an identical function in substantially the same manner with substantially the same results.), second server provides the meeting services to the remote shareholder (See Figure 4B: (458) voting table is sent to shareholder via the transfer agent (452)); transmitting meeting proceedings to second server for

transmission to remote shareholder (See Figure 4B: (458) voting table is sent to shareholder via the transfer agent (452)); and producing a final tabulation of votes indicating the voting preferences of all shareholders on issues brought up during the shareholder meeting (paragraph 13: voting information is compiled to determine the final voting decision), producing from the second servers: a vote form from each remote shareholder (voting result (162)), tabulating the voting form to produce a tabulated vote result (voting server (140)); and transmitting tabulated votes result to first server (voting server (140)), and the final tabulation votes results from all second servers (paragraph 13: voting information is compiled to determine the final voting decision).

As per claim 2, 18, 22 and 27, Parmasad teaches the second server ignores an earlier voting form if the remote shareholder submitted one and instead favoring the most recent voting form (See Figure 6: Revocation procedures for changing or amending vote.).

As per claim 4, 11, 19, 24 and 29, Parmasad teaches transmitting participant information to each remote shareholder (paragraph 13: send e-mail message that provides notification of a voting website), the information includes an encrypted and unencrypted portion (Official notice is taken that both the concept and the advantage of encrypting information is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to encrypt data in order to provide a secure means of transmitting information.), where participant information is transmitted by remote shareholder to second server (paragraph 13: an

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eligible voter casts her/his vote), second server decrypting the encrypted portion to produce a decrypted output and comparing decrypted output with unencrypted portion to verify the remote shareholder for participation in the meeting (paragraph 19: "using a secured data communication protocol, where a number of appropriate secure data communication protocols are commonly known in the art").

As per claim 5, Parmasad teaches the unencrypted portion comprises shareholder information and the encrypted portion includes shareholder information in encrypted form (paragraph 19: "using a secured data communication protocol, where a number of appropriate secure data communication protocols are commonly known in the art").

As per claim 6, 12, 20, 25 and 30, Parmasad teaches the encrypted portion includes a descrambling key, the meeting proceedings being in encrypted form, and transmitting the descrambling key from the second server to the remote shareholders that use it to decrypt the meeting proceedings (paragraph 19: "using a secured data communication protocol, where a number of appropriate secure data communication protocols are commonly known in the art").

As per claim 7 and 31, Parmasad teaches notifying includes transmitting to a third server an information signal indicative of the shareholder meeting, and in response to the information signal producing at the third server a shareholder meeting notification and transmitting it to the shareholders (Paragraphs 45-47 discuss the use of a third server called the broker server (270) which will send information via the transfer agent to the shareholders.)

As per claim 15, Parmasad teaches notifying shareholders includes transmitting a signal to the agent server and in response to the signal, the agent server prepares a shareholder meeting notice and sends it to the shareholders (See Figure 5, 4th paragraph: "if you wish to receive materials or vote on-line, you must register your consent on the quick response form linked from this memo...If you do not wish to receive Meeting materials online and/or vote online, ...Meeting materials will be mailed..." One the shareholder consents or sends a signal, meeting materials or meeting notices will be sent from the server.).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parmasad in view of "Internet Business's International, Inc. Shareholder's Meeting To Be Broadcast On Web", Business Wire (New York) July 2, 1999.

As per claim 3, 23 and 28, Parmasad discloses the invention but does not explicitly teach a question and answer portion. Business International teaches that it is well known to have a question and answer portion to the meeting. Business International is an analogous art as it also teaches about shareholder meetings on line

that allow voting. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the shareholder meeting of Parmasad with the question and answer portion of Business International to provide a more accurate representation of attending a shareholder meeting. Business International teaches receiving requests for a period of time to ask a question, selecting one of the requests to ask during the period of time, providing an answer to the question, and ignoring those requests to ask a question which was not selected, the requests to ask a question include requests from second servers which were submitted by remote shareholders (Paragraph 2: "remote shareholders participate in a question and answer session as if they were present at the meeting." Business International allows their remote shareholders to participate as if they were present which means that there would be a Q&A period where not all submitted questions would get answered, but some would. Official notice is taken that the concept of how a shareholder meeting progresses is well known to one of ordinary skill in the art.).

As per claim 8, 13, 14 and 32, Parmasad discloses the claimed invention, but does not explicitly teach audio and visual output from remote shareholders. Business International teaches that it is known to provide audio and visual information for discussion among shareholders, including receiving at a second server, audio and visual information from one of its remote shareholders and transmitting this information to all of the shareholders (paragraph 3-4:"have offered audio and visual transmissions....they plan to allow its remote shareholders to actually participate in a question and answer session as if they were present." "log on to our website and

become part of the action.”) to provide a more accurate experience for the remote shareholders. Business International is an analogous art as it also teaches about shareholder meetings on line that allow voting. Therefore, it would have been obvious at the time of the invention to combine the shareholder meeting of Parmasad with the audio and visual feature of Business International to provide for a more accurate and real experience for the remote shareholders.

As per claim 9 and 17, Parmasad teaches notifying shareholders of a meeting which takes place at a first location (paragraph 17: a consent email message is sent to each potential voter as determined by the voting database); identifying remote shareholders who will attend remotely (paragraph 13: The consent email message includes a hyperlink (URL) to a consent website, where potential voters can access the consent website to provide consent information), each remote shareholder having as associated satellite server which provides shareholders meeting services (See Figure 1: transfer agent (452) is deemed equivalent to a second server as it performs an identical function in substantially the same manner with substantially the same results.), satellite server in communication via a data communication network with the shareholder meeting server system at the first location (See Figure 2: The transfer agent (160) communicates with the external network (150) and the voting server (140) which represent the shareholder server), each satellite server: receiving voting forms from its remote shareholders (voting result (162)), including deleting an earlier received voting form if they submitted a subsequent form (See Figure 6: Revocation procedures for changing or amending votes); tabulating voting forms to produce a result (voting server

(140)); and sending result to shareholder server system (See Figure 2: shareholder server tabulating votes of all shareholders and paragraph 13: voting information is compiled to determine the final voting decision). Parmasad discloses the claimed invention, but does not explicitly teach audio and visual output from remote shareholders. Business International teaches that it is known to provide audio-visual information at the first location and transmit first audio-visual information to each satellite server so the remote shareholder can view the proceedings of the meeting (paragraph 3-4: "have offered audio and visual transmissions....they plan to allow its remote shareholders to actually participate in a question and answer session as if they were present." "log on to our website and become part of the action.") to provide a more accurate experience for the remote shareholders. Business International is an analogous art as it also teaches about shareholder meetings on line that allow voting. Therefore, it would have been obvious at the time of the invention to combine the shareholder meeting of Parmasad with the audio and visual feature of Business International to provide for a more accurate and real experience for the remote shareholders.

As per claim 10, Parmasad discloses the claimed invention, but does not explicitly teach question and answer practice. Business International teaches that it is well known to receive question for a period of time, select a question and provide an answer to the question and ignore those questions that were not selected, the requests to ask a question come from satellite server sites which were submitted by remote shareholders (paragraph 3: "have offered audio and visual transmissions....they plan to

allow its remote shareholders to actually participate in a question and answer session as if they were present.”) for the purpose of conducting customer service (ie allowing their shareholders to provide input). Business International is an analogous art as it also teaches about shareholder meetings on line that allow voting. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the shareholder meeting format of Parmasad with the question and answer feature of Business International to provide a means for hearing from their customers/shareholders.

As per claim 16, Parmasad teaches notifying shareholders of a meeting which takes place at a first location (paragraph 17: a consent email message is sent to each potential voter as determined by the voting database); identifying remote shareholders who will attend remotely (paragraph 13: The consent email message includes a hyperlink (URL) to a consent website, where potential voters can access the consent website to provide consent information), each remote shareholder having as associated satellite server which provides shareholders meeting services (See Figure 1: transfer agent (452) is deemed equivalent to a second server as it performs an identical function in substantially the same manner with substantially the same results.), satellite server in communication via a data communication network with the shareholder meeting server system at the first location (See Figure 2: The transfer agent (160) communicates with the external network (150) and the voting server (140) which represent the shareholder server), each satellite server: receiving voting forms from its remote shareholders (voting result (162)), including deleting an earlier received voting form if they submitted

a subsequent form (See Figure 6: Revocation procedures for changing or amending votes). Parmasad discloses the claimed invention, but does not explicitly teach question and answer practice. Business International teaches that it is well known to select one question during the Q&A time; and providing an answer and ignoring those requests that were not selected (paragraph 3: "have offered audio and visual transmissions....they plan to allow its remote shareholders to actually participate in a question and answer session as if they were present.") for the purpose of conducting customer service (ie allowing their shareholders to provide input). Business International is an analogous art as it also teaches about shareholder meetings on line that allow voting. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the shareholder meeting format of Parmasad with the question and answer feature of Business International to provide a means for hearing from their customers/shareholders.).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches meetings with online participation: Roseman (US 6,608,636), Greenberg (US 6,791,974), McClure et al (US 2004/0024635), McClure (US 2003/0208395), Debe et al (US 5,671,358), Challener et al (US 6,081,793) "User Enthused about Electronic Meetings" Wayne Eckerson, Network World, June 15, 1992; "Cyber-Proxies and Online Meetings" The Wall Street Journal, April 19, 1998; "Corporate Voting Allowed Online", Phil Milford, The Oregonian, July 31, 2000; "Online Annual Meetings Have Yet to Take Off", Investor Relations

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Business, June 21, 1999; "Reaching Investors through the Web", South China Morning Post, Sept 29, 1996; "Bell & Howell goes online for meeting", Dan Shope, Morning Call, May 17, 1996; and "New software product encrypts corporate data", B Z Khasru, Fairfield County Business Journal, December 11, 2000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK

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Nov 10, 2005

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